

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ANTHONY BITTLE,  
)  
)  
)  
Plaintiff,  
)  
)  
v.  
)  
JO ANNE B. BARNHART,  
)  
Commissioner of Social Security,  
)  
Defendant.  
)

1:04CV00478



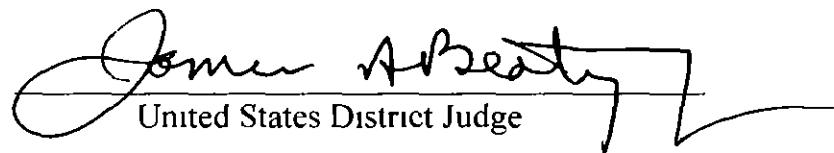
## O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U S C § 636(b) and, on June 22, 2005, was served on the parties in this action. Counsel for Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's motion for summary judgment [Pleading No 9] be **DENIED**, that the Commissioner's motion for judgment on the pleadings [Pleading No 11] be **GRANTED**, that the Commissioner's decision be

**AFFIRMED**, and that this action be dismissed with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order

  
United States District Judge

Date September 28, 2005